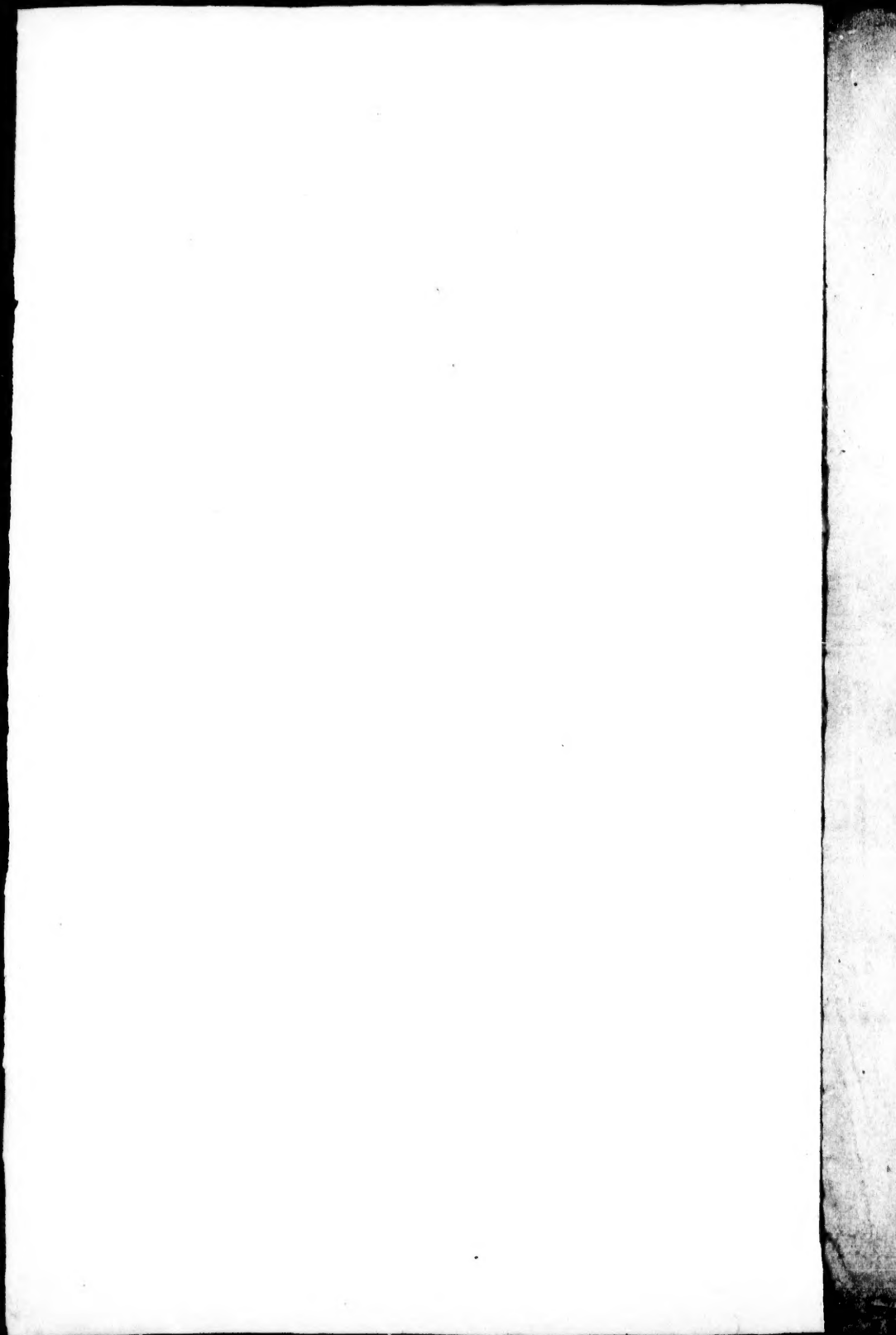




S P E E C H

DELIVERED BY

THE HON. J. W. JOHNSTON,

**IN THE HOUSE OF ASSEMBLY,
On the 19th March, 1856**

ON INTRODUCING

R E S O L U T I O N S

FOR

DEFINING THE NATURE AND FOUNDATION

OF THE

**Self-government of Nova Scotia
IN HER LOCAL AFFAIRS:**

AND IN FAVOR OF AN

ELECTIVE LEGISLATIVE COUNCIL.

~~~~~  
**REPORTED FOR THE BRITISH COLONIST,  
By J. H. CHASEKILL, Esq., Reporter to the Assembly.**  
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**HALIFAX, NOVA SCOTIA.
1856.**

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To the Constituency of the County of Annapolis.

My valued friends and Countrymen :

WERE the obligations of public duty to be impaired in their influence over me, the honor of representing your noble County, endeared to me by early recollections and the experience of mature years, would not fail to animate my flagging energy: and it is my happiness to be united with so many of you by personal friendships and relations of the strongest influence, that the desire that my parliamentary conduct should meet your approval is more an impulse of my affections than the result of political considerations.

It is therefore with some solicitude I submit for your judgment the resolutions I lately moved in the Assembly, and the speech introducing them.

That they should have been the object of vituperation on the part of my political opponents furnishes neither matter of surprise nor occasion for doubting the soundness of my views.—The leaders of the (so called) liberal party, ought indeed, in consistency with their own principles, to have supported the resolutions; but we have not reached this period of our political history now to learn, that professions sowed with profuse abundance, may yield a scanty harvest.

I am, however, desirous, that neither the objects I propose nor the motives that animate me should be misapprehended by my friends, or by the disinterested and intelligent among the population of the Province.

Let it be not forgotten that you are not, nor am I, answerable for the extremes to which the Province has been driven in its political career.

In the winter of 1843, you elected your Representatives on principles of moderation opposed to ultra party views; and until the election of 1847, my Colleagues in the Government, and myself, sought, as far as the violence of our opponents would permit, to effect such an union of parties as would have stayed the surges of political strife. Lord Falkland and his Council in that period found no difficulty in reconciling the apparent incongruity of an independent Governor and a Council responsible to the Representatives of the People. His high sense of honor, inflexible integrity, and unwavering veracity, were a safe-guard against the violation of either public or private rights. His respect for the position of his Council left them free to meet the obligations which their responsibility to the people imposed.

But after what has passed in the last two years, I abandon as impossible any salutary controul in the future, by either Lieutenant Governor or Colonial Secretary, over our local affairs; and as attempts to restore that control would inevitably lead to struggles endangering the peace of the country and the Colonial relation, I judge it to be an imperative duty to avert those consequences by removing their occasion.

The necessity that this surrender should be formally claimed by our Legislature, and acknowledged by the Imperial Government, is enhanced by the nature of the British system of administration, which places the nominal and the real powers of Government in different hands,—giving to a Governor, without whose name scarcely an act of administration can be performed, plausible occasions to usurp an *actual* authority inconsistent with the constitutional rights of the people.

That necessity, had it been questionable before, has now, however, been made certain by the character of the opposition which the leaders of the liberal party presented to these resolutions: for if the opinions they propounded in the Assembly be correct, the self-government in its local affairs conceded to Nova Scotia is but a fraudulent deception—which, having helped a few individuals to power, offers, for the future, nothing but uncertainty and contention.

The power of the veto on acts of Legislation, and the power of dissolution were claimed as *substantial and legitimate* functions of the Lieutenant Governor's office, in opposition to my assertion that in our local affairs they were but lodged with the Lieutenant Governor *ceremonially* to be exercised *substantially* by his Executive Council; and to avoid one dilemma, another was encountered when it was affirmed that the Lieutenant Governor's assent was necessary before a measure of government could be introduced into the Assembly.

Here, then, is the issue between those who opposed and those who supported my resolutions. The country must judge.

It was charged that the resolutions tended to weaken the Colonial connection. I think, if accepted here and in England in the right spirit, they will produce an opposite result, by removing occasions of future intrigue and contention, of which the Lieut. Governor would be the centre. If, however, these resolutions but propound what is essential for self-government, let not those who claim the credit of that system, accuse me of wrong, if I but hold them to the consistent development of their own principles.

I have been loudly accused of disrespect to the Colonial Secretary and Lieut. Governor.—But if I have merely exhibited their public acts from acknowledged documents, the imputation cannot justly rest on me without destroying that free discussion essential to the well-being of the country.

And here it is proper to say, that neither Sir Rupert George nor Mr. Fairbanks, has been directly or indirectly, party to or cognizant of anything I have done or said in relation to their affairs.

The introduction of the resolutions was the result of no hasty consideration and the responsibility of the measure rests on myself alone.

Some years since I perceived, and in debate stated, the difficulty which the present constitution of the Legislative Council would present to the perfect working of responsible government and in the moment that Earl Grey's despatch was read in the Assembly, concerning the Departmental Bill, I publicly declared in my place my opinion that the course he had adopted permanently affected the destinies of the province and the nature of its connection with the mother country.

Continued and mature deliberation having strengthened those opinions, at a comparatively early period of the late session, I gave verbal notice of my intention to introduce resolutions on the subject; and the resolutions themselves were fully decided upon and in preparation, before Lord John Russell's declaration relating to the Legislative Council of the Cape of Good Hope was known here or indeed had been made in Parliament.

They were not offered as a party measure, although this character was attempted to be fixed to them, and every member who usually support the government voted against them on the other side more freedom of opinion was exercised; and I listened to my friend Mr. Hall who could not adopt them entirely, with sincere pleasure, although without being changed in my own sentiments. As usual with him on such subjects, his vigor of mind and originality of thought and expression threw light and perspicuity on his arguments, while the characteristics of honesty of purpose, and integrity of principle, which he exhibits in the Assembly were equally conspicuous.

I cannot conclude without bringing to your notice the statement of the Speaker, in debate that last Autumn, he was told, in the County of Annapolis, that so far had the principle of annexation advanced, that the next election there would be decided on that question. I was in the County much longer than he, and I received from none, such an intimation, nor heard such a sentiment. As far therefore as the observation was designed to suggest a dubious or partial motive for my movements in the house, it was made without just cause; nor is it surprising that the character of the communications he and I receive, and the nature of the impressions ~~on the subject~~ made on us in the County of Annapolis, should be very diverse, seeing that the sources ~~of the information~~ ^{of the information} are widely separated.

I mean not to say that the events of the last two years have not had in the county of Annapolis as in other parts of the province powerful influences as connected with our political relations with the mother country. These influences, I believe, I have, although briefly, faithfully portrayed in the conclusion of my speech.

In this, as in everything connected with the subject, I submit myself to the judgment of my constituents and my countrymen at large.

They may arrive at different, and perhaps sounder, conclusions than I have reached; they will not, I will venture to say, be actuated by a more earnest desire to promote the welfare of our common country.

I have the honor to be,

Very faithfully,

Your sincere and devoted servant,

J. W. JOHNSTON.

NOTE.—See p. 13.—In giving the Provincial Government credit for an increase of about £3000 in the revenue of 1849 over 1848 it might have been stated that in the session of 1849 there were increased duties imposed on dry goods, (being an addition on this important item of 25 per cent.,) on tea, and on molasses, probably more than adequate to make up the small increase in the revenue.

Division on Mr. Johnston's Resolutions—14 for; 26 against;—majority, 12.

For: Harrington, Blackadar, Campbell, Johnston, Freeman, Marshall, Crow, Bent, Moore, Snow, Budd, Thorne, Dickey, Ryder.—14. Against: Henry, Doyle, Attorney General, Munro, Sangster, Colman, McLeod, Robertson, Bourneuff, Smyth, Keady, Hall, Provincial Secretary, McKenna, McDonald, Ernst, Martell, Mignowitz, Card, Young, Fulton, Archibald, McDougall, Mott, Diack, Brown.—26.

Divisions on Mr. Howe's and the Speaker's amendments—23 for, 15 against—majority 8; being the same as above, except that Mr. Hall and Mr. Fulton voted against Mr. Howe's and the Speaker's amendments; and that Mr. McLeod, who voted against and Mr. Dickie who voted in favor of Mr. Johnston's resolutions, were absent at the divisions on the amendments.

Division on Mr. Fulton's amendment—for, 5; against, 24;—majority, 20. For: Fulton, Hall, Moore, Dickey, Ryder. The majority was made up of the other members.

THE house resolved itself into Committee of the whole on Mr. Johnston's resolutions, which were read by the Clerk, as follows:—

Whereas, The self Government extended to the British North American Provinces by the Secretary of State for the Colonies, having placed the Local affairs of the Province in the hands of the Executive Council unrestrained by any control on the part of the Lieutenant Governor or the Imperial Government, it is necessary to correct the anomalies and inconveniences unavoidable in the application of Imperial usages to a Colony; and a common duty is created, irrespective of party interests, to cast the Institutions of the Province into such forms as may unite the freest operation of the public sentiment with the most efficient, upright and economical exercise of the Executive, Legislative and Municipal functions; nor is it less obligatory on this house to obtain more perfect stability and certainty for the principles of Provincial Government than can now be relied on—the present Secretary of State for the Colonies having both in declarations and acts, shewn that a Minister of the Crown in the administration of Colonial affairs may hold himself free to disallow what a predecessor in the exercise of his official functions had established.

And whereas, First: *As regards the Lieutenant Governor*—This officer while in theory possessed of the Executive authority has been in reality denuded of all power, and should he attempt to exercise an independent control over the affairs of the Province he would disturb the principle of responsibility under which the Executive Council are now called to administer the functions of Government. Hence so long as the Lieutenant Governor shall continue to be viewed as the head of the Provincial Administration, he must either sink into insignificance or become the instrument of Executive obstruction; in the one case the reverence due the Sovereign being insensibly diminished by the contempt engendered for the office of Her Representative; in the other the harmony of the Province being endangered by the violation of a principle which the British Government in the last two years has affirmed, and Earl Grey as Colonial Secretary has sealed by acts of unmistakable significance:

Resolved therefore, That to avert the evils of renewing questions of Government which, after years of agitation and uncertainty, have been established by Imperial authority, it is proper that the Lieutenant Governor of this Colony should be unquestionably recognised as an Imperial functionary, charged with the protection of national interests and as the official agent of communication between the Parent State and the Colony, but holding no relation to Colonial affairs beyond the ceremonials of Office.

Resolved further, That to fix this character to the Office it is proper the Lieutenant Governor should be paid entirely by the Imperial Government.

Resolved further, That if this Province shall be required to contribute any portion of the Lieutenant Governor's Salary, the sum of £1000 would fully meet the just proportion of this Colony and the value of his services under the present system—this House deeming it unjust that so large a sum as £3000 Sterling should now be paid by the Province, and absurd that

£250 Sterling, or any sum should be granted for the Private Secretary of an Officer who himself has but to subscribe the documents that others are required to prepare.

And whereas, Secondly: *As regards the Legislative Council*—The construction of the Legislative Council is inconsistent with the harmonious working of the present mode of Government and its useful influence as a Legislative Body. With a majority created by the Government of the day for securing party measures, the Legislative Council is for most essential purposes but the subservient instrument of the Provincial Government. The same majority on a change of parties would make it an obstructive Body, opposed to the existing Administration and wishes of the people as expressed by their Representatives in this House.

Resolved, That the most efficient remedy is to be found in the Election of the Legislative Council by the people for a limited period—the Members going out by Sections periodically: Thus the body would be brought nearer to the feelings and would more perfectly reflect the opinions of the Country, while the periodical infusion of new members would enable the people to correct the inconveniences that occasionally might arise from its composition, and tend to weaken those influences that result in merely party adhesions.

Hon. Mr. JOHNSTON, said:—*Sir*, Chairman, I rise for the purpose of explaining my reasons for offering for the approval of this Committee, the resolutions just read. In taking the steps I have, I am fully sensible that I have assumed no small measure of responsibility. The hon. Provincial Secretary lately intimated that this was rather an act of a party nature—than one having for its high object—the elevation of the people. It is impossible to discuss such a question as this without in some measure touching upon the relations in which parties stand to each other in Nova Scotia; but Mr. Chairman, I would not have troubled you to day—had no higher motives—no more elevated reasons—than such as find their origin in mere party spirit, influenced me in submitting the resolutions I am about to explain. I believe, sir, that Nova Scotia is now in a situation that demands the serious attention of all concerned in its welfare—and that the state of transition is of much importance through which this country is passing. We may differ as to the attributes and forms which constitute a good Government, but none will deny that such a Government is among the greatest of earthly blessings. I aim at no unattainable heights. What I understand by a good Government,—what I do desire for my country, is a system that shall foster and promote the moral qualities and develop the industrial resources of the people. One that shall give to the popular voice the utmost influence consistent with the efficiency of the Executive; to the Executive an effective authority that shall not control the just power and privileges of the people. But it is also deeply important that the principles of Government, should be well defined, clearly understood, and securely established. And let it be remembered by every man in Nova Scotia that our present system of Government has sprung into existence at the fiat of a Colonial Minister and

rests on no foundation more stable or secure. Hence is it incumbent upon the people and their friends as they value what they now possess, or as they deprecate future agitation, carefully to guard against the possibility of undue changes that may undermine the fundamental principles they cherish, or endanger the tranquillity of the country.

These resolutions have two primary objects in view. The one, more particularly connected with the Executive—and Lieut. Governor, is designed to effect three benefits; first, to decisively declare and fix the authority that belongs to the office of the Lieutenant Governor; secondly, to secure the power of the Colonial Executive; and, thirdly, to diminish the burdens of the Province in relation to the Lieutenant Governor. The other branch of these resolutions touches the constitution of the Legislative Council.

I desire not to invest this subject with a party character. If the views I have advanced in the resolutions shall prove to be sound, they should recommend themselves to men of all parties, and especially to those who class themselves under the name of "Liberals,"—because all men are interested in removing uncertainty and occasions for future agitation, and they who value the existing principles are concerned in giving them permanency. It may be said that we should leave this subject in the hands of the government; but I do not think so—especially in the hands of a colonial government, which placed between the influences of the people on the one hand and of a Lieutenant Governor and Colonial Secretary on the other, may be called upon to endanger its own interests in maintaining the just authority of the Colonial Executive and the rights of the people. It would not be prudent therefore to leave a question like this to be dependent on the vigilance and integrity or the self interest and supineness of any government.

It will be necessary for me to substantiate the declarations in the preambles to these resolutions; and I shall begin by showing that the British Government has surrendered to this Colony independence in the management of its local affairs. This I shall do from authoritative declarations of the Prime Minister and the Colonial Secretary, and from the administrative acts of the Colonial Secretary. It may be said this proof is unnecessary. Sir, it is not unnecessary. Nothing is more common—nothing more dangerous—than an assumption of important truths upon evidence ill-defined and feebly adopted, dangerous to individual interests—how much more dangerous to public rights that are not guarded by the same watchful care. No, sir, do not let us suppose that these references are not required. Let us know, if such is the fact, that as regards our own local affairs, we are now independent, and let us also know clearly and certainly upon what foundation that fact rests, that our constituency now—our children after us—may be acquainted with the origin, the security, and the extent of their privileges and liberties;—the rights which they enjoy and the reasons on which they claim their enjoyment.

First, then, let the committee notice what

in his recent speech on colonial affairs, Lord John Russell has said on this subject. "But it (referring to the Canadian indemnity Bill) was an instance how difficult it would be to draw any line on the subject, and that in attempting to draw such a line you would only raise disputes; but that you had better stand on the general practical distinction, that it was only in cases where the administration of the Colony came in question, that the authority of the Crown should be interposed; but that as to local affairs the Legislature and Executive of the Colony should be the best judges."

I next refer the committee to the debate on the Rebellion Losses Bill. To appreciate Lord Grey's remarks it must be recollected that Lord Brougham had moved that the bill should be so altered as to—"provide security against compensation for losses sustained in the rebellion being given to persons who had abetted it." Earl Grey concluded his speech with the following exceedingly significant remarks:—"It was his firm conviction, that by passing such a resolution, they would shake that confidence which all parties cherished in the system of Government now happily established there, and lead them to suppose that they were not to be allowed to deal in a manner which would be satisfactory to themselves with matters of domestic and internal concern. His conviction was, that to come to such a decision would be dangerous to the security of the Canadian Government. It was on these grounds that he trusted their Lordships would concur with him in refusing assent to the resolution of the noble and learned Lord." I content myself with these two declarations—they come the one from the Prime Minister, the other from the Colonial Secretary; and they are too explicit to require comment. But, sir, I shall turn your attention to three acts of Earl Grey which speak more emphatically than any despatches or theories. I shall show by these acts that the British Government has withdrawn altogether from the control of the affairs of this country. The three subjects I allude to, are the dismissal of Mr. Fairbanks, the repudiation of the arrears due to public officers; and the case of the excluded justices of the peace. I am not now going to complain of these acts—but to show that they give a decided proof of the correctness of the premises I have advanced. In each of these cases, Earl Grey would have acted differently from what he did act had he not surrendered the duty of his office to the Colonial Executive; and the greater the sacrifice he made of honor and of duty, the more clearly is it apparent that the independence of the Provincial Government has been conceded. I shall dwell no longer on these points than is necessary to establish my conclusion. In the first case, I have mentioned—that of Mr. Fairbanks, the act which Earl Grey affirmed at the reiterated bidding of the Provincial Authorities, was *by his own showing*, 1st. "*extremely prejudicial to the public interests of the Province;*" (these are his own words); 2ndly, *contrary to English precedent*; 3rdly, *opposed to the official act of his predecessor—an act within the scope of that predecessor's legitimate authority, and under which Mr.*

Fairbanks was appointed; 4thly, opposed to the consequent just claims of a public officer who had relied on the assurance of the British Government; and 5thly, it was inconsistent with Earl Grey's own doctrine, according to his despatch 31st of March '47, that thereafter "it would be proper to recognise as an invariable rule that no person should be removed from office without a provision, except for misconduct, unless he had accepted it on the distinct understanding that it was to be held during pleasure." It is clear that Mr. Fairbanks came not within the scope of the exceptions. Here are five propositions drawn from Earl Grey's own admissions in condemnation of that act of injustice; and the excuse which the noble Earl condescended to make, that because the salary was annually voted and might be withheld by the Assembly of Nova Scotia, a Secretary of State was relieved from his own independent duties, by its purlity, but strengthens the case: and certainly exhibits no high sense of moral obligation or dignity. I turn, sir, to the journals of the last session, to show you Earl Grey's crowning act in this affair of Mr. Fairbanks. Under date of Nov. 15, 1846, he surrendered all to the independence of the Executive of Nova Scotia in these words:—"I freely acknowledge on behalf of her Majesty's Government that the question involved in this act, exclusively affects the internal interests of Nova Scotia, and that in accordance with those views of the principles on which the government of the British North American provinces should be administered, (and which I have more than once had occasion to explain,) the opinion of the inhabitants of Nova Scotia in favor of this law, as expressed through their Representatives in the assembly, ought properly to prevail, even though her Majesty's ministers may not concur in thinking that it is framed in the manner best calculated to promote the real interests of the province."

The next case which proves that the British Government have surrendered their control over colonial affairs, is that of the arrears. Take the following facts:—1st, The emoluments of the offices were ensured to the incumbents by their commissions under the sign-manual of the Queen. 2ndly, The amounts of their salaries were not only not reduced, but were by the British Government refused to be reduced, on the address of the Assembly in 1846. 3rdly, The Crown Revenues were solemnly pledged for the arrears of these salaries by Lord Stanley's despatch, dated 15th Nov., 1845; by which the Governor "was strictly enjoined to enter on no new negotiation for the transfer of the Crown Revenues, of which the payment of all the existing arrears of salaries to the public officers did not form the basis.—Again, by Mr. Gladstone's despatch of 29th April, 1846, it is declared that no Civil List Bill would ever be accepted by the Crown which did not make provision for the payment of all the arrears due to all Her Majesty's officers in Nova Scotia; and, lastly, Earl Grey, in his despatch of 17th Nov. 1846, stated the payment of the arrears to be the *essential and indispensable preliminary* to the transfer of the Casual Revenue—adding the very emphatic words:—"To give the only means of satisfying the arrears, without

at the same time stipulating for their previous payment, would be to commit a breach of the pledged faith and a violation of the honor of the Crown, to which no *imaginable consideration of convenience or of interest could ever reconcile the Queen or Her Majesty's advisers.*" 4thly, The officers having fulfilled their part of the engagement, became entitled to the fulfilment of it on the part of the Crown, and the contract being executed, could not legally be revoked or violated by any *ex post facto* act. 5thly, The excuses made by Earl Grey were either essentially or absolutely untrue, and *had they been true*, were entirely inadequate to justify the violation of an executed contract. 6thly, Yet, in obedience to the Provincial authorities, Earl Grey, having the constitutional control of the crown revenues, and these having been by himself and his predecessors, *within the scope of their constitutional authority*, pledged and charged with the arrears—did violate these pledges and repudiate just and legal contracts, by transferring the Crown Revenues before these charges on them had been paid. Yes! Earl Grey did calmly and deliberately commit this breach of pledged faith—this violation of royal honor. He did advise the Sovereign to an act which no imaginable consideration of interest or convenience should, by his own showing, ever have reconciled Her Majesty or her advisers. Can we doubt that he made the sacrifice to the independence of the Government of Nova Scotia? And remember, that the greater the violation of right, the more strongly is my conclusion established.

The third instance of the surrender of local uncontrolled power is that of the excluded Justices; and of this instance I may merely say, that 100 magistrates were dismissed—100 living men—not 40 of them dead, as Earl Grey, untruly, in the House of Lords asserted there were—among the best in the country; not dismissed because they were too numerous, for there were 250 new magistrates appointed in their stead,—not because they were unworthy, for charges against them have been asked for and refused. The royal instructions enjoin upon the Lieutenant Governor, that he "shall not displace any justice, without good cause signified to the Secretary of State." That, sir, *has been* the Imperial policy; and if we had Earl Grey's despatches, which have been denied us to-day by an act of the majority, I dare say they would present a very admirable lecture upon the impolicy and impropriety of interfering in this sweeping and party manner with the local magistracy,—for his lordship writes good despatches—ending however with saying, "Nevertheless if your Executive Council, supported by a majority in the Assembly, shall continue of opinion that the administration of justice in the counties ought to be debased, and oppression made the penalty of political opinions, her Majesty's Ministers cannot interfere again; measures which you assure me are in accordance with the wishes and feelings of the people of Nova Scotia, how much soever they may disagree from them."

The insulted magistrates have been told that her Majesty had received their memorials "*very graciously.*" This is very polite certainly,—but is there no answer to their complaint? None! No reply to their request to know the grounds of their removal? None! Cold, heartless, insulting silence, is the answer their Sovereign is advised to give to these her worthy, loyal subjects, and the administration of justice throughout the country, and the ac-

knowledgeable practice of the constitution are trampled under foot, and Earl Grey has added this additional stain of "unmistakeable significance" to the fact that Nova Scotia in her local affairs is independent—a fit companion and counterpart this for the Canadian Rebellion Reward Bill! Now, sir, I take it that my preamble is thus far proved by declarations and acts—sealed by broken promises, violated pledges, and repudiated contracts—attested by living witnesses, in the person of an excellent officer and worthy citizen, and his amiable family cast out of their means of subsistence,—and of 100 magistrates of unblemished reputation degraded and insulted—yea! doubly insulted.

I have already said that I did not mean to admit that Earl Grey exercised a constitutional duty in the course he pursued. In the case of the arrears and Mr. Fairbanks, it was *illegal* and *unconstitutional*, even on his own principles. He might have given the Colonies self government, and yet preserved his honor as a man, and his integrity as a statesman—it pleased him otherwise. So far I have referred to the acts of the British Ministry. The Imperial Parliament has affirmed the same policy. That august body rejected Lord Brougham's resolution and acquiesced in the Compensation Bill that they might not fetter the independence of the Canadian parliament; and although they had before them, yet they did not interfere with the case of Mr. Fairbanks or of the Magistrates in Nova Scotia.

Having established that the Parliament and Government of England have conceded our independence in local concerns, it only remains for me to show, that the head of the Provincial Executive has ceased to exercise in reality any control, and that the Lieutenant Governor's of fice has undergone an equally decisive change.

To sustain the preamble of these Resolutions it must be shown that so long as the Lieutenant Governor is nominally the Head of the Government, the alternative is inevitable that the office must be one of insignificance or of mischief.—I will establish this point as I have done before, by *acts*, and I shall ask if those I shall adduce, are consistent with the independence and the honor of the Governor; or whether you are not driven to save him from disgrace, to show that he must have been the mere organ of his advisers. Take the Civil List Bill of 1848, in which the salaries of subordinate officers were much reduced, and their arrears repudiated, while the salary of the Lieutenant Governor was fixed at its maximum, amounting with its adjuncts to very nearly £6000 currency! It is impossible that this could have been done with the consent of any Lieutenant Governor, possessed of just views of his duty or of generous emotion. No, Sir, it could not be. Let us, then, fancy ourselves lookers-on while the measure is discussed at the Council Board. Shall we not hear his Excellency exclaim: "What gentlemen! would you ask me to reduce the salaries of the Judges in the land, to whom the honor of the Crown has been repeatedly pledged, and whose salaries the Secretary of State has commanded me to see maintained, while my own is placed at the highest amount. No, gentlemen! I cannot consent. If economy must be exercised, begin with me, for honor forbids me to sacrifice subordinate officers, placed under my protection, to my own interest." Such we are bound to believe must have been his Excellency's remonstrance; but his cruel Council are inexorable

They remind him that he is the "Golden Link" between the Mother Country and the Colony, and at length silence him with the unanswerable appeal that Responsible Government demanded his obedience to *their* will. He yields, and reluctantly accepts the proposed benefit, and in his closing speech from the Throne seals the whole matter by declaring that the Bill was one HONORABLE to the Legislature! As Thomson's village Nymph, "in all her modest blooming may of charms, seized in some lovel's rude embrace."

So the virgin integrity of the Governor—violated under the strong hand of his Council, he surrenders himself to his fate, and solaces his outraged honor in the enjoyment of the golden compensation. Surely, surely, Mr. Chairman—mercy to the officer—respect to the office—reverence to the Sovereign, all demand that the fictitious character of the officer should be removed, and that, if the Lieutenant Governor sit at the Council Board, it shall be but to add dignity, if dignity be conferred—and that as regards the Provincial affairs, he shall be simply an organ of official communication between the Provincial and Home Government.

Now let us consider in this relation the case of Sir Rupert D. George. "I accept your assurance," says Earl Grey to Sir John Harvey, "that Sir Rupert will receive from the two sources, £800 sterling—that this sum will be well secured to him, and Sir Rupert relieved from his just apprehensions." This was written early in the spring of 1848, and the same view of Sir John Harvey's Despatch was given in Parliament by Mr. Hawes in answer to inquiries put to him on the 12th of May in that year by Mr. Cochrane. Mr. Hawes says that it was true that Sir Rupert was to have an allowance of £400 a year for his office of Provincial Secretary, but "he held another office, on his retirement from which, (as we understood) he would receive a pension of nearly double that amount;" meaning no doubt what would double that amount; and Earl Grey, in a subsequent despatch dated 9th September, 1848, in strong terms reminds Sir John of the effect his former communication had produced on the Colonial Secretary's mind on this subject. Mark the crisis at which Sir John gave this assurance! It was after Sir Rupert had been removed by the Provincial Government, and before it was known to what extent the Secretary of State would go in yielding to the wishes of a party with a majority at their back in this house. Yet, after the object was effected, and Sir Rupert's removal sanctioned by Earl Grey, the tone is changed, as we lately had occasion to observe in discussing the Registry of deeds Bill. Sir John Harvey, in his Despatch of 10th November, 1848, depreciates Sir Rupert's claims, and is astonished that he would allow his private benefit to interfere with the public weal, forgetting all the while the assurance which he had made. Sir Rupert, in answer to an enquiry of Sir John Harvey, afterward agreed to accept £700 stg. instead of £800 sterling, and this is further frittered down—lower and lower, until the amount last sanctioned by the Assembly, is £160 sterling instead of £300 sterling, to which he was fairly entitled by the action of the present provincial Government. Put these facts together and say if we can believe the Lieutenant Governor exercised an independent control without impugning his integrity.

The case of the excluded justices is one to which it is impossible that any Lieutenant

Governor could have lent his independent sanction. No Lieut. Governor possessed of a spark of independence, had he not surrendered his authority, could have sanctioned such an act as the exclusion of 100 Justices of the Peace, without a charge and without a hearing—nor could he have ventured, as he did in this case, to violate the Queen's Instructions. Is it not better, then, that he should be authorised as an Imperial Commissioner only, (as in Scotland,) without retaining a nominal authority, which only subjects him to obloquy or contempt. But, sir, it has been repeatedly and fully admitted—nay, urged, that on the principle of responsibility the council *only* can act—the Governor's name merely being used. I have not been able to lay my hand on a little pamphlet issued some years ago by the hon. Provincial Secretary in which this view of the subject is put forth. The Governor was to be a gentleman at large, with nothing to do. His duty would be to distribute the spoils of office to the successful combatants in the political arena—the dispenser of the honors at a tournament:—these were his familiar illustrations. Why then retain the shadow, at the risk of making the office either contemptible or obstructive?

Sir, the consequences of this alternative do not rest here. The want of respect to the Lt. Governor is unhappily reflected back, and will tend to weaken the veneration due to the Sovereign herself.

The danger to the permanency of the existing constitution demands serious consideration.—Let me imagine that the present Lieutenant Governor were removed, and another to take his place who entertained prejudices which placed him in opposition to the present administration. Might he not present many obstructions?—and take advantage of some crisis when it would be exceedingly difficult to resist him, or to render his opposition to the wishes of the people nugatory and ineffectual, without endangering their position? This, so long as they had a majority here would be unfair, and inconsistent with your system. Reverse the case, and suppose that the changing tide of politics should change the party in power, and an assembly should be returned inimical to those now in office, but the Lieutenant Governor be in their favor. Can we not readily imagine how much he might thwart and obstruct the new administration, and exercise his power unfairly to the Assembly, and in opposition to the voice and interests of the people.

As regards, therefore, the permanency of the principles established in Nova Scotia, it is of importance that the people of this country should be free from this danger. For, sir, without professing a prophetic spirit, let me say that if the principles I am now contending for be not distinctly acknowledged, the time will come when Governors will attempt to exercise the power they now nominally possess, and place themselves in opposition to the wishes of the people. I may be told that the Executive have the right to retire. I admit it; but is it fair, after having won the confidence of the people, they should be factiously and unconstitutionally driven to this necessity? Perhaps they may not have the virtue. I do not allude to any class of men—I am speaking of man, surrounded by the various trials and temptations to which he is subject, and I say they may not have the virtue; and yielding to encroachments rather than endanger their places, things may so retrograde, that renewed struggles, more

aggravated than the past, may endanger the country.

This, then, has brought me to the next step in my argument. Having proved that the English Government—the English Parliament—and the Lieutenant Governor, have, under the present system, surrendered their authority in the local affairs of the Colony, it may be asked—what more is needed? I answer that that surrender be made *irrevocable*. While a member of the Executive Council from 1844 to 1847, I endeavored under Lord Falkland, to unite with the responsibility of the Executive Council to the Legislature, the independence of the Lieutenant Governor, and some measure of controul to the Imperial Parliament. The principle of responsibility was as much acknowledged then as now; and my colleagues and myself were always ready to resign our seats on a vote of this house. What we did want was, that while the voice of the people through their representatives, should govern their own affairs, some check should be opposed to the designs of interested demagogues, and the oppression of parliamentary oligarchies—always injurious to the freedom and welfare of the people. It was difficult; in theory it seemed impossible. Yet I think it might have been effected. It required some forbearance in parties—discretion and integrity in the Lieutenant Governor, and wisdom and discrimination in the imperial government,—and thus we hoped there would result as little oppressive and injurious change as possible in the incumbents of office, on a change of parties. Here lay the only real difference between those who succeeded us and ourselves. Earl Grey's despatch of 31st of March, 1847, contained all I wished. Nothing could be much more satisfactory, on the points of difference, and in itself it was one which I have ever esteemed worthy of admiration. That despatch contained the most honorable sentiments, and urged the most beneficial checks; but, alas! it only proves how much more easy it is to *write* wisely and well, than to *act* wisely and well. That, sir, is a state paper containing sentiments of which every Englishman may be proud, unless one—its titled author. For whilst expatiating on the right, he has been content to pursue the expedient, and that, too, at the expense of honor and justice, and his own recorded sentiments. He has thus abandoned every controul worth speaking of.—But, sir, the thing is done, and done irrevocably, for the controul of the Lieutenant Governor, and the Imperial Government can never again be looked upon as *LEGITIMATE* elements in our colonial constitution. As regards our local affairs, all we can desire now is that what that constitution is may be perfectly understood and definitely confirmed. To attempt to reverse what has been established, would introduce confusion, uncertainty, agitation, and endless mischief. Whatever improvement our circumstances may demand must be sought *onward and forward*, not backward.

It may be urged that there is no danger. Why excite needless discussion? *There is every danger*. I have already shown the risk that may occur, in case of a change in the person of the Lieutenant Governor; and these would be increased, should there be individuals in opposition in such a case who held the same estimate of the obligations of those in opposition as some did when Sir John Harvey arrived. Suppose the one party or the other at the next election to be returned in a small majority, and

the Lieutenant Governor inimical in either case. He might offer obstruction that would embarrass and defeat. In such case, suppose your Council, to avoid the perils of a new election, subservient to the Governor's will, and the majority that supported them in this house for the same reason to be subservient to theirs—where would be your self-Government? But suppose again there should be a change of Ministry in England, is the whole system of the country to be overthrown and different principles openly set forth or covertly acted on? Earl Grey has set at naught his predecessor's deliberate and official act in the case of Mr. Fairbanks. In other cases, he has violated the solemn pledges of the Crown, made by successive Secretaries of State; and he has indirectly but very plainly, avowed the principle in the Civil List Despatch. What he has done, others may attempt. No, Sir! let us know what we have with distinctness, and what we have, let us possess on some sure foundation. I close this branch of my argument with an extract from Lord Brougham's most able and valuable work on political philosophy, vol. 1, page 628. "It behoves the people carefully to guard against those who would persuade them they are quite secure in the forms of the established constitution. There are no worse enemies of liberty—no more useful allies of usurpation."

It only remains to touch the question of finance and economy raised in the third resolution. It cannot be necessary to say much upon this point; if the Lieutenant Governor should be recognised as but a Crown Commissioner—sent here to uphold the dignity of royalty, and protect imperial interests, I believe there is no man who will assert that the expense of his maintenance should be borne by this Province—certainly not exclusively. The house has passed upon this—but it would be well were they to review their steps, and see if they could not effect a future saving to the province, whilst they did no act of injustice. A saving of some thousands annually would not be a matter of utter insignificance to a government that have been obliged to renew the tax on flour to replenish their empty coffers; and I think it needs no argument to prove that £250 sterling a year for the salary of the Private Secretary of an officer whose duty is only to sign documents himself, is neither a needful or wise expenditure of the public monies. The more readily touch the subject now, because the present Lieutenant Governor's salary is secure to him during his incumbency, and if the resolution passed, the subject would receive the consideration of the British Government before a new functionary were sent to succeed him.

I will now pass to the construction of the Legislative Council. Its members are now nominated by the crown; and I freely confess that when two bodies are designed in the Legislature or government, to act as mutual counterpoise and check, the more dissimilar the sources whence they exist, and the objects to which they own responsibility, the more perfect the balance, while the nearer they assimilate in these respects, the feebler and less perfect will their controlling influence be. In theory therefore our Legislative Council is a better check against the Assembly, than it would be were its members chosen by the people; and if this were true in fact as well as in theory, the resolution I am now considering would be worse than unnecessary. But there is another principle more constraining than the former. The two

branches, to be any check whatever, must be mutually independent. On this principle, the resolution and my argument rest. Without this independence, their usefulness as mutually controlling bodies is destroyed.

Let us look at facts. The commission restricts any appointments in the Colony beyond 21 members. When the former administration went out there were 18 members, 9 of whom, including Mr. J. Fairbanks, resided in Halifax. The present Government filled up the three vacancies—appointing Mr. McNab, Mr. Stairs, Mr. McCully; and when Mr. Robie retired, they appointed a fourth—Mr. McKeen—keeping up the complement of 21.

During the last session, a very interesting question arose in the Legislative Council, but Mr. McKeen, although he had been appointed, had not arrived, and it was necessary in hot haste to pass a bill to deprive Mr. Fairbanks of office. The Government happened not to have on hand a majority at the crisis of division on the bill. The number of members was full, 21, but one member, though appointed, was not sworn in. What did the Government do? They appointed for the emergency Dr. Grigor—he enters just in time to vote, and that important measure—a measure denounced by Earl Grey, on principles of public policy and private justice—is carried by a majority of one, including this one illegal appointment, and no less than four members of the Government, of whom one was the President, who, until on the motions connected with this question, had not, nor had his predecessors ever voted, except to give a casting vote; and another, Mr. McNab, who was waiting for the office from which Mr. Fairbanks was to be thrust by that very bill!—Presently, however, Mr. McKeen arrived, and then there were two Kings in Brentford;—(Laughter,) and we saw the singular spectacle of a worthy gentleman wandering between the two chambers, without a resting place in either, because it had been necessary to block up with the doctor the place he had been appointed to fill. Well, sir, what followed these appointments? I believe all have been confirmed, and the Legislative Council now numbers twenty-two members—one more than the constitutional number. Earl Grey sees in the will of an Executive Council, sustained by a parliamentary majority, a controlling influence to which he bows—ratifies all the Legislative Councillors, and advises her Majesty to confirm the bill!

This one case is more than sufficient. It is so flagrant—it stands out in such bold relief that comment would be misplaced. After such an instance of packing as this, it were an outrage to common sense to represent the Legislative Council of Nova Scotia as independent. The system must be changed, and it should be changed now, while the country is in comparative peace. When sterner times arrive it may be too late to mould the institutions of the country to meet the just necessities of the people. What has been done in Canada? Blank mandamuses were sent out by my Earl Grey, as I understand by the debate in parliament, to be filled up by the Government at pleasure.—Lord Brougham treats this curious proceeding with the ridicule it deserved. The spring, he says, came in with its genial influences to call the farmer to his labours, when forth stepped the political husbandman, and sowed Legislative Councillors broadcast, to yield a fruitful crop of parliamentary supporters. But to proceed. Among the strange occurrences in

the Legislative Council last session that showed the necessity for change in its formation, and the course the President saw fit to pursue on more occasions than one.

The President claimed and exercised for the first time since the colony had a Legislature, the right to vote on all occasions, and this is justified by the example of the house of Peers, as my Earl Grey pronounces. It seems rather presumptuous to differ from an opinion of his Lordship on such a subject, but we are forced sometimes into such a predicament, notwithstanding the great names that cast their shadows over us. The law of parliament, sir, as I understand it, is to *each body*, in such a case, ITS OWN USAGE, and not the example of other houses, however exalted. Nova Scotia has had a Legislative Council for nearly eighty years, (for the separation of the two Councils made no difference in the Legislative functions,) and during all that period there is not pretended, I believe, to be a single instance of the President so voting as Mr. Tobin voted. The change was needed to pass the Departmental Bill, and the change was made, and was sanctioned by the Colonial Secretary.

Again, Sir, there were refusals, by the President to allow resolutions, (and protests also, I think,) to go on the council journals—an act of illegality and tyranny most flagrant—nor could a more serious blow at the liberties of the people well have been aimed. Would that body, if it had been elective, have had a President who would have dared to violate the established precedents of eighty years, or to trample under foot the ordinary rules and practice of the house? Such conduct in England would not have been attempted, because it would not have been endured. It is in this relation that we require the most active supervision over their rulers by the people in a Colony; for the silent operation of public opinion is much less forcible in a small and poor community, than in a rich and populous country like England, where, when occasion demands the exertion, it is almost unlimited, though the influence of interests too vast to be perilled from any consideration of party.

Now, sir, glancing at the present features of the Legislative Council, we find that of the present 22, there are 12 members residing in Halifax, and so long as matters remain as they are, you must have a majority of them in Halifax.

I have hitherto considered the Legislative Council in its subservient aspect: let us view it in its obstructive. Let us suppose that a change should take place, and that, after a new election, a majority in favor of the views of the present minority in this house should be returned. What would be the result? The Legislative Council is *now* a packed body, supporting as a matter of course the present Government—it would then be obstructive to the existing Government. The voice of the people heard here by the passage of measures, would then be drowned in the other by the cry of party, and the influences of prejudice. Look at their vote on this very question. Did all the gentlemen who voted against an Elective Legislative Council think as they voted? Why did they give no expression of opinion, and where were their wonted warm appeals in favor of popular institutions? and where the remembrance of formerly expressed and recorded opinions in favor of Elective Councils?

If any gentleman will show us how to get over

this dilemma to which the subject is exposed, I will yield my measure; but as it now appears, the Council must be subservient or obstructive to the government of the day. I speak of the system and its inevitable consequences, and not in disparagement of individuals. How is the contingency of obstruction to be provided for? As the present government have done, by adding members? That, Sir, would be impossible; for the number must have some limit, and some four or five at least would have to be added to secure a working majority. Another change in the administration would demand the same process to be revived, and where is the end to be? To exclude members for the purpose of giving the government a majority, would be still more degrading to the Body. In either case its independence is destroyed, and it fails to afford the checks required, nor can it be looked upon, as it ought to be, to secure respect. It may be said that the House of Lords are in a similar position. I will not stop for a moment to oppose this argument. What, Sir! a body clothed with hereditary honors—placed by their position and fortunes in stations of commanding influence, to be likened in principle to a Legislative Council, created from day to day by the Executive and having no elements of Legislative influence, except what they derive from the constitution of their Body, and that constitution calculated to degrade, and not elevate! It is preposterous. The Lords, indeed, yield at times, their own opinions, as in the case of the Navigation laws. But, then, it is in the exercise of their own judgment, when a less evil is preferred to the risk of a greater. In the United States, the Senate is elected by their State Legislatures; but this is an advantage they derive through their Federal Organization, of which a single Colony cannot be possessed.

But, Sir, this proposal is no novelty. An Elective Council was proposed in 1837, and supported by the present Attorney General and the present Provincial Secretary. The speeches of the latter exhibit forcible reasons in favor of an Elective Council—reasons which I have no doubt if any honorable gentleman on that side of the house will turn to in some old file of the *Nova Scotian*, will convince much more readily than the voice of the charmer on this side, “charm he never so wisely.”—(Laughter.) We have, however, on this subject higher authority; for Lord John Russell has lately propounded for the Cape of Good Hope, an elective Legislative Council. He says:—“Instead of imitating the Constitutions of Jamaica and of Canada, it would be advisable to introduce at the Cape, an Elective Council composed of parties elected by persons of a somewhat higher qualification than those who elect the Representatives, and that they should be persons of the class of Magistrates,” &c.

Under the elective Constitution, the Legislative Council will speak a voice responsive to the sentiments of this house; but by this, I mean something very different from the subserviency alluded to in the resolutions. To avoid this evil—and too great coincidence of interest and feeling, between the two bodies, is our chief difficulty.—Elected from the same constituency, the two

branches would bear the same general impress of sentiment. But the Legislative Council being elected, for a longer term, and small sections going out and being replaced by new members at short intervals, as in the United States' Senate, would tend to prevent that entire uniformity of action which is to be deprecated. Take, for example, a Legislative Council of 18—one from each County, and one from this City, elected for six years, of whom six should retire every two years, or, let the term be longer, and the periodical changes varied to meet that tenure; for this is not the time to enter upon details. Trace the effect of such a system. A general election, after a close and desperate struggle, has given the reins of government to the successful party, who enter into possession of their newly acquired power, with the passions on both sides exasperated to their utmost. Two years after six Legislative Councillors retire, and are replaced by the people. This change, of itself, could not fail to have some effect in weakening the adhesions of party; the subsidence of party animosities without, wrought in that interval, would influence the feelings of the new members, and effect a further modification in the measures of the Body; and if the course the government had pursued during that period had been unsatisfactory to the people, the new elections to the Legislative Council, would speak a significant warning that wiser or more moderate Counsels were demanded, not likely to be unheeded. The changing opinions of the people would alter from time to time the views of the Council, and would work incomparably better than the present system, which cannot command the respect of the country.

I ought not to expect opposition from gentlemen on the other side; and yet it is strange that on a division in another place a few days ago on this very question, all the members who support the government voted against an elective Council; but if you should turn to the same debates of 1837, to which I referred before, I rather think you will find at least one of that number, who at that time discoursed wisely in favor of giving the people the election of the Legislative Council.

I may admit, Sir, that the remedy is imperfect; but I believe it to be the best within our reach; and I think it should be tried, lest hereafter greater extremes be resorted to.

In looking into the future, three results are obviously imaged before us—each pressing on the other. *First*, the amendment of the present system, until it answer the necessities of the people, and adapt itself to the improvement of the country. If this fail,—*Secondly*, a resort to the direct election by the people of all the chief public functionaries—a mode which no man who loves the monarchical institutions of the mother land would seek, unless upon the gravest reasons. Should this, too, fail, can it be doubted that the *Third* would be, as by irresistible attraction, an absorption into the Great Republic that beside us throws wide its arms, and lifts its towering form on high.

The British system gives the people an indirect influence only in the appointment of their principal Government officers, and the operation of the system is artificial and complex; while under the American system

the action of the people is direct in the choice of most of their functionaries, and the operation of the machinery of government is necessarily simple. But in the former, the responsibility under which the government is placed is constant, in the latter the power is entrusted for a definite, though commonly short period, and cannot be recalled till its termination. In Nova Scotia, in conformity with English rule, the people do not say what individuals shall fill the respective offices. When they have returned a particular party to power, their control has ceased, and the Government is formed by the leading members of the party, without reference to the people, and they, too, often are obliged to make their selections without regard to official fitness. For instance, they want a Solicitor General.—The best lawyers and most suitable persons may be found out of the Legislature. But these must all be passed by, and even within the Legislature, the necessities of party limit the selection. The most appropriate individual here may possess no assurance of re-election, and the strength of parties may be so nearly equal as to forbid the risk of defeat at the hustings. He too, then, must be passed by, and his inferior chosen. Or it may be that either in this house, or in the other branch, some individual, from personal influences, or owing to the nice balance between the parties, may compel the Government to purchase his continued adherence by an appointment for which he may be ill suited.

The independent action of the Legislature also is abridged by the tenure of the administration depending on the votes of the Legislative body—(not on direct election for a definite period.) It is well to talk of our independence; but the majority who give the party in power its ascendancy, will retain it there, for their interests are identified. Propound, therefore, a question to the house, however important in its principles or results, but in which the stability of the party is concerned, and the people do not get the untrammelled, independent judgment of their Representatives to which they are entitled. Innumerable instances might be cited. Witness the Governors' Salary—the Departmental Bill—the Magistrate's case—the withholding of papers, &c. How differently would the decision of a majority of this house have been, had party influences not prevailed over individual opinion. The administrative system of England never was—never could have been—the conception of any man's brain. It has been the growth of circumstances—expanding, contracting, modifying, and altering to meet the progress of society—the changing condition of the people, and the wants of the nation. There, some of the inconveniences and evils that threaten us, are averted and modified by the various orders and classes—the wealth, the literature, and intelligence, the press and public opinion of that great kingdom; and by the influence of those vast interests, that, rising above party considerations, control the action of Government and the Legislature and secure public and individual freedom. But, Sir, such considerations remind us that the armour that gives strength and

security to the giant, crushes the stripping under its weight.

It may be said here, as portions of the Press continually say: "Try the system longer—make no hasty changes—things are very well as they are—and any little matters that require improvement, will work their own remedy." This may be very convenient in the eyes of some gentlemen to whom agitation has lost the charms it once possessed. But, Sir, I see no reason in the argument, if evils do palpably exist, that clearly demand removal, to avoid consequences which cannot fail to be injurious to the country.

I ask, however, whether the trial of the system, as made by the present Government, warrants this appeal. Let me take a hasty review of what the last two years' history of Nova Scotia presents. In the first place, Mr. Chairman, we have seen in that time in full operation one of the worst features of the American administration of Government—one which is denounced by some of the best of their Statesmen. Extensive changes in office, uncalculated for by the system of government, and from which the country could derive no benefit. Of these, one hundred magistrates, some three or four hundred road commissioners, with emoluments averaging probably not more than a pound or two; distillery inspectors at 5s. a day; form but a part—not to refer to officers of high-r emolument. It will be remembered that this is the work of gentlemen whose professions were so different; and who sought power that they might confer on their country an improved government and more perfect freedom.

We have had a good deal to say lately, and in the last session about that cabinet of curiosities in the Provincial Secretary's office, which the Government guard with such zealous care that we are forbidden to hope for a revelation of its secrets until a change in the administration shall take place. Now and then, however, a little borrowed light is reflected on us. Thus we learnt the "assurance" of Sir John Harvey to Earl Grey that "£800 sterling would be well secured" to Sir Rupert; and which had been unknown, but for his Lordship's reply. His Lordship's admiration of the virtuous professions of the Provincial Government, and which he has had opportunity to see nobly fulfilled, has given us another glimpse of the suppressed despatches. Listen to Earl Grey's despatch of 7th March, 1848. "You will express to your present Executive Council," says His Lordship, "the satisfaction with which I have read their minute of 8th of February, 1848, in which they express their intention to resist with firmness the mischievous policy of sweeping changes of subordinate functionaries." Why is it, sir, that the Executive Council so cruelly withhold from the people of Nova Scotia, this minute of the 8th of February, 1848,—this record of their virtuous resolves; and compel us to admire at second hand, their virtue and their consistency!

In the next place, the present administration have adopted a practice little to have been expected from a Liberal Government.—I mean the withholding of public documents of deep importance to the people, for the withholding of which it is obvious no reasons ex-

ist, except the danger of damaging themselves as a party by the exhibition of the truth. Take as instances the papers that passed between the two Governments on the formation of the present administration in the spring of 1848; the full despatches on the Civil List; the number and names of the excluded Magistrates, and all the papers and despatches on that subject—all sought for by formal motions here—refused by the Government, and the refusal sanctioned by a majority of the house. It has been to me melancholy evidence of how much the people of Nova Scotia have to learn of the principles of a free Government, that their representatives have dared to sanction so gross a violation of the duty of the administration; so flagrant an infringement of the rights of this house, and of the people.

Again, let us examine the public accounts, and discover how the revenue of the last two years stands, in comparison with that of the preceding period;—

On the 31st Dec., 1843, on the retirement of Messrs. Howe, Uniacke, and McNab, (the present Provincial Secretary, Attorney General, and Receiver General,) we received from the (so called) Coalition Government, a balance in the chest for the public service of 1844, of

£463

On the 31st of December, 1847, the Provincial chest contained and we surrendered to these gentlemen and their colleagues a balance for public services of 1848, of

£10,923

We therefore gave them to commence upon, ten thousand four hundred and sixty pounds more than they had left us.

£10,460

On the 31st December, 1843, they left us a Provincial funded debt, on interest, of

£65,000

On the 31st December, 1847, we left them the same debt reduced to

£49,800

We had paid off Fifteen Thousand and Two Hundred Pounds, of debt, bearing interest, and making, with the difference of cash in the chest,

£15,200

Thus the Revenue prospered in our hands, besides that we gave to our own distressed settlers in 1845, £3667—to the sufferers by fire in Canada, Barbadoes and Newfoundland, and to the sufferers by famine in Ireland £4130—making £7797; to which might be added further sums granted to our own suffering population between 1845 and 1848.

How has the country fared in this important element of its prosperity under our successors in the government? In the first year of their administration, there was a diminution in the Revenue of Thirty Seven Thousand Pounds, (£37,000); no small falling off in a Revenue that barely reaches £100,000, even in prosperous times. This year it has improved some three or four thousand pounds upon last year, and it has been amusing to hear the boastings of the Government and their Press. The boast

amounts to this—that the Revenue this year, instead of being £37,000 less, is only £33,000 less than when their predecessors left the government to their management. Truly they are thankful for very small benefits!

But this is not all. They have run up a debt on interest with the Bank of Nova Scotia, of from £5000 to £6000, which not improbably will be increased this year.

We gave the people successively £25,000, £30,000, £35,000, and £27,500 for the annual Road service. Their utmost aim is to reach £20,000 to £24,000 for the same service.

All the while the Agriculture, the Commerce, the Manufactures, and the Fisheries have been receding in prosperity—more and worse than this, your population is receding.

Let the Honble. Provincial Secretary go among his constituency in this City and collect the testimony of the principal Mechanics—the Carpenters, Masons, Cabinet-Makers, Tailors, Shoemakers and others, and he will find that their best journeymen have left and are leaving them for the United States, in search of a subsistence which they cannot find here—their employers here being no longer able to give them their accustomed wages. The Provincial Secretary says they will come back. Yes! when they prefer the miserable and uncertain wages they get here to the more handsome remuneration they find for their labour there. Imagine a young Novascotian earning in the summer seven dollars a month, besides his board, and unable to find profitable employment for the winter, who, seeking to improve his condition, goes to Boston. There he immediately obtains fourteen dollars a month and his board—from twenty to thirty dollars during the mowing season, and twelve dollars in the winter. He returns to Nova Scotia. His clothing is of the best materials, and made in the best style—yet in every respect suitable to his calling. His appearance, manner, and bearing, betoken one who feels that he has secured his independence and advanced in his position in society. This is no fancy picture. It was the case of a young farmer who had been in my own service. When I conversed with him, I was proud of my countryman—yet I grieved that he and hundreds such as he were withdrawing their strength from the country of their birth to add it to the power of a foreign state. For, sir, he came not to remain, and he returned to Boston to be followed by other members of his family, altho' reluctantly did he first leave his native shores, and still more reluctant were his worthy parents that he should be separated from their care and supervision.

I ask, Mr. Chairman, what has the country gained since the advent to power of the present party; a party so profuse in promise? Loss, disappointment, shame, is all our gain, will multitudes answer, many of whom were prone to expect better things.

But has there been gain to none? Oh, yes, sir! The pseudo patriots have gained. The hon. Provincial Secretary may smile over broken promises and a deluded people—he may triumph in the thought that he fills a place from which he drove a Baronet,—and yet a nobler, a more truly liberal spirit never animated man than that same Baronet's.—

He was truly and unostentatiously what many are in profession—the poor man's friend.—Again, sir, Mr. McNab, the Receiver General, when he retires to his home from the easy duties of a divided office—divided in duty, not in emolument, can gather his family around his hearth, and complacently wonder how long his friend—the near relative of his old and intimate friend—poor Fairbanks, (as in kindness he may call him,) and his family will have a roof to shelter and a hearth to cheer them, and then he may retire to dream of wealth that Californian voyages bring to sleeping partners. But, sir, I repeat—what have the people gained? The answer sounds around us and about us:—when the time to give it voice shall arrive, I am greatly misled if its significance will be the subject of doubt. I cannot here refrain from a tempting passage from an author more often praised than read or understood, admirably appropriate in its description—the correctness of its prophecy it is the province of the future to unfold:—

“If the thing called Government merely drift and tumble to-and-fro, no-whither, on the popular vortexes, like some carcass of a drowned ass, constitutionally put “at the top of affairs,” popular indignation will infallibly accumulate upon it—one day the popular lightning descending forked and horrible, from the black air, will annihilate said supreme carcass, and smite it home to its native ooze again.”

Mr. Chairman, let me hasten to a close. I again repeat what cannot be too deeply impressed, that if the principles, recognitions, and changes which I urge are necessary, prudence demand that they should be adopted immediately, before the exigencies of the people drive them to require changes more organic, of doubtful policy; for believe me sir, as I have already said, if our present system be not made suitable to our condition and the wants and wishes of the people, the next step will be to the system of direct election; and failing that also, the current will, in all human probability, then set towards annexation with a power not to be checked or resisted. Hence, sir, the propriety—the necessity of these resolutions, and the course they indicate.

How far the desire for annexation may prevail in Nova Scotia, I venture not to say. I think I lately saw in a Liberal Journal, over the very significant initials “G. R. Y.,” the declaration that the sentiments of the people were strongly tending toward annexation.—The remedy proposed was the Quebec Railroad; but as this seems somewhat a distant and uncertain scheme, I apprehend we should seek a more practicable and immediate cure for the disease. The question of annexation, however, should it come to be discussed in this province, I venture to say will be generally treated on utilitarian principles. The morals of Downing Street have dissipated the prestige that once bound the Colony to the Parent State by sentiment apart from reasoning. I repeat, sir, *The morals of Downing Street*. Let me select a few instances without leaving the affairs of our own little Province.

Sir Rupert D. George was desired to retire from office when the present Provincial Administration came into power. He wished delay until Earl Grey should be consulted on

the amount, and the security of the retiring allowance to which he was entitled under his Lordship's despatch of 31st March, 1847. This delay was denied, and on his continued refusal to resign, until the Colonial Secretary could be consulted, he was removed by Sir John Harvey, and his removal gazetted here. Earl Grey, in a despatch dated in March, 1848, confirms the act of the Provincial Government, but informs Sir John Harvey he had no power to remove, but in point of form, should only have suspended. Yet, sir, in a case thus distinctly before Downing Street authorities, Mr. Hawes, the Under Secretary, on the 12th May in that year, in answer to a question put in the House of Commons, by Mr. Cochrane, whether Sir Rupert D. George had been removed from office, replied that Sir Rupert George had resigned his office.

Again, sir, when a petition from Nova Scotia was presented in the house of Lords, Earl Grey asserted that of the hundred Magistrates alleged to have been removed, forty were dead—a statement which obviously embarrassed Lords Stanley and Brougham, who advocated the memorial, and compelled them to say, that, much as they might condemn the removal, they could not justify such a misrepresentation. Yet, sir, the statement of the petitioners, was true; and Earl Grey's was not true. The number of the excluded Magistrates had been ascertained by excluding from the calculation all who were known to have died, or left the country, and more than one hundred were found to remain after that exclusion. When it is recollected that the Provincial Government had been requested in the Assembly to furnish a return of the names of the excluded Magistrates, and had refused to do so, the injustice that has been practised becomes more flagrant.

On hearing of the aspersions on their character, some of the petitioners residing in Halifax immediately transmitted to Earl Grey a letter setting him right as to the facts, and in effect requesting him to mention in Parliament the vindication which they gave. He did not do so, and the letter was laid aside on the ground of a technical informality in its transmission. It does seem that—magnanimity or generosity, I will not say—but that the commonest principles of justice and ingenuousness demanded from Earl Grey some vindication of gentlemen he had been the instrument of publicly maligning, without reference to the mode in which the communication had reached him; and allow me to say that you cannot find in Halifax gentlemen of more unblemished reputation—more respectable position in society or higher sense of the value of character than among those who sought at Earl Grey's hand, the act of justice he saw fit to withhold; and do I go too far in saying that when he withheld the explanation that candour demanded, he adopted the misstatement which at first, it may be, he was but the instrument of inadvertently making.

Again, Sir, Earl Grey stated, as a reason for abandoning his engagement in the case of Sir R. D. George's arrears, that Sir Rupert had not remonstrated against the act; whereas in fact, as appears from our

own journals, not only was that not the case, but Earl Grey considered at large and answered the memorial complaining of the Civil List Bill in not providing for the arrears with Sir Rupert D. George's signature to it, in the very despatch in which he made this assertion. With such singular carelessness does the noble Lord who now governs the Colonies deal with his statements of facts, when depriving an officer of money justly earned; and so easily did he find reasons for disregarding his solemn pledge. To this place belong also the cases of the arrears and of Mr. Fairbanks, but it is unnecessary to dwell on them further.

There was a time when the British Colonist met the American citizen with confidence. His boast of the rapid progress of his country was met by our well-founded pride in the nicer moral feeling—the higher toned sentiment of public justice—the more elevated principles in dealing with public servants that monarchy creates; and English justice, and the honor of the Crown, were felt to belong to the Colonies, not less than to the Imperial State. How is it now? Were a Nova Scotian hardy enough to venture on such an argument, the American would point to Mr. Fairbanks, and refer to the case of the arrears, and ask what Republican statesman had ever so violated his predecessor's acts and his own declarations, or so abandoned the rights of officers and citizens committed to his trust.—He might tell you the repudiation of the British Secretary of State threw into the shade the Pennsylvanian, and scornfully ask where slumbered the spirit of Sydney Smith? No, Sir! The day of sentiment is past.—Duty will be the rule of conduct, and the people of Nova Scotia are not and will not be unmindful of the duty of allegiance; but they will remember also their duties as men—yes! as christian men, to themselves, their families, and their country; and when change shall be made necessary, if it should ever be made necessary—for the happiness of themselves—for their children's well-being—for the moral and efficient government of their country, they will not sacrifice the greater duties to the less, nor surrender to a name the most enduring obligations; and when that hour comes, if ever it should come—they will cast from them the bullying despatches of a Secretary of State with the contempt such insulting ~~misconduct~~ *misconduct* deserve from Freemen!

Should this duty ever be enforced on Nova Scotians, may the day be distant; and may it not arrive till I shall have ceased to be an actor on the stage. But what the future may demand is for the future to reveal. We have the tangible realities of the present to deal with; for to use the language of the author I have already quoted—"The present time, youngest born of Eternity, child and heir of all the past times, with their good and evil—and parent of all the future, is ever a new era to the thinking man, and comes with new questions, and significance, however common place it look; To know it, and what it bids us do, is ever the sum of Knowledge for us all."

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